

13-3415(JW)

Petition to Quash Summons

Clyde Fraser and Toye Fraser

PO Box 268

Ironia, NJ 07845

973-723-1251

Clyde Fraser and Toye Fraser

United States District Court

District of New Jersey, Newark NJ

vs.

Docket #:

Internal Revenue Service

Petition to Quash: Disclosure of Bank
Statements. Violation of Right to
Privacy. Constitutional 4th
Amendment violation.

United States District Court

District of New Jersey

50 Walnut Street

Newark, NJ 07102

Attn: Clerk's Office

973-645-3730

5/22/2013

Dear District Court Judge:

We desire \$5,000,000 in damages from the IRS. We have all sinned and have fallen short of the Glory of the Lord Jesus. It is our sincere belief that the actions of the Internal Revenue Service (IRS) is a gross violation of our 4th amendment right to privacy and its

constitutional protection against unreasonable searches and seizures. On this memorial Day weekend, I write this motion as a Christian Minister who believes many Americans have died and given their lives to ensure the rights God has granted us in the Constitution. We believe the actions of The Internal Revenue Services (IRS) is unconstitutional and a violation of the right to privacy found in the 4th Amendment. As a Christian we are ordered to give unto Caesar what is Caesar's and unto the Lord what is due the Lord.

Facts:

As the District Court may be aware from our previous filings, we have been in a wonderful battle since 2006 with 1) Zurich Mortgage Solutions 2) American Residential Equities llc. 3) GMAC INC N/k/a Ally Financial Inc. n/k/a GMAC Mortgage 3) Fein, Such, Kahn, and Shepard. et al. The Lawsuit filed in state and federal court is a \$787,000,000 lawsuit which stem from the State of New Jersey issuing of a refund directive in our favor in the Amount of \$108,695 stating that is was unlawful for Zurich Mortgage Solutions to collect interest and our points and fees in connection with our refinancing of the property at 9 India brook Drive in Mendham NJ.

As a result of the actions of the above mentioned defendants, we filed suit for compensatory and punitive damages, which is presently being handled by our attorneys. We sought compensatory damages as a result of the many years of lost income resulting from us having to dedicate our time since 2006 to defend the property at 9 India brook Drive and our constitutional rights. I, Clyde Fraser lost all of my various stock and financial planning licenses and my credit was harmed which makes it impossible to become licensed with many financial insitutions. Prior to this lawsuit we were in the process of becoming a broker dealership and would have been quite successful due to many of our Royal and Wealthy clients.

As a result of the actions of the above mentioned defendants we filed suit in federal and state court seeking punitive damages resulting from the death of our two children at birth. Which these entities will be held medically liable for causing the deaths of.

In 2009 or 2010 I was without any substantial income as a result of the actions of the above mentioned defendants. I therefore sought to secure loans to purchase realestate. The only income I would mention on these loans was "Phantom" income. "Phantom" income is income which is reported and taxes are paid when the income is not received. I soon began to understand "Phantom" income is not correct and should not be used as many corporations are currently using "Phantom" income. I spoke to Mr. Horton I believe on 4/25/2013 and was made aware that we would be liable to pay taxes on Punitive damages only when those Punitive Damages are awarded when we are victorious in our \$787,000,000 punitive damages lawsuit against the above mentioned defendants. I spoke to Ms. Gwen Goodwin on 5/21/2013

and informed her that I have always signed the returns for my wife, I thought as a legal spouse you automatically have signing authority. Ms. Goodwin stated the IRS will and should never accept returns signed by a spouse on behalf of the other spouse.

Problems with Phantome Income

1) Phantom income confused many investors and have lead to many americans investing in corporations which are truly not as successful as they claim.

2) Phantom income reports income and pays taxes on the income and is presently being utilized as a means of tax evasion. This is because a corporation may pay taxes today at the going tax rate but if the tax rate increases the corporation would not have to pay taxes at that higher tax rate when the anticipated income is truly received.

3) Phantom income is unethical because there is no guarantee that the anticipated income will ever be realized. I realized that this practice is unethical. I was glad and thankful to the Lord Jesus, I never applied for any loans. I then submitted amended tax forms. I spoke to the IRS in 2009 or 2010 and was told everything was fine and the income I reported in 2007, 2008, and 2009 would be adjusted. I was working with Agent Carter and I believe Mr. Clyde Horton. In 2011 a lien was filed against me. According to Mr. Clyde Horton, Ms. Carter is no longer with the IRS. Over the past year I recently spoke to Mr. Clyde Horton and the new agent Ms. Gwen Goodwin. Ms. Goodwin stated via a telephone conversation that she saw the Amended Tax forms but she is showing that no decision has been made. She and Mr. Horton transferred me to the Tax Advocacy department. I spoke to Ms. Sigliano who is Ms. Goodwin's manager and she stated the Tax Advocacy department has done nothing to contact her office. What this shows me is that no one is doing anything to rectify the situation.

Legal Cause:

1) I am writing requesting the processing of the 1040x forms which were submitted in 2009 or 2010 which the IRS Promised would be processed and our income would be adjusted to reflect the correct income we made. 2) I believe the actions of the IRS amounts to a violation of our right to privacy and harrassment. We have submitted the Amended Tax returns for 2007, 2008, 2009 and our tax returns for 2010, 2011, and 2012. Those tax returns show the correct income. By the IRS asking to review our personal bank statements even though we have submitted our amended tax returns for 2007, 2008, and 2009 and our Tax returns for 2010, 2011, and 2012 the IRS still is attempting to delve into my personal banking information when they can request a personal audited financial statement which would show what we have made thus far. The IRS has also not asked for any statements for 2007, 2008, and 2009 which are the years which are responsible for the illegal lein being issued. This situation makes me feel as if the IRS is asking to go through my underwear drawer and look throught my personal information when it is unnecessary. We believe the actions of the IRS is unconstitutional and a

violation of Our Right to Privacy, A violation of our 4th Amendment rights. The Actions of the IRS are quite clear. We just recently spoke to Ms. Sigliano at 973-439-2295 and 201-213-3189 on 5/21/2013 Ms. Sigliano also stated that no Amended tax returns from 2009 or 2010 have been processed and even the tax payers advocacy department have done nothing on our behalf.

Requested Relief:

1) We request that the IRS Process Our 1040x forms which were submitted over 3 or 4 years ago in 2009 or 2010. These are the returns which Ms. Goodwin stated just recently on 5/21/2012 were still never processed. These are the returns which was previously submitted when we were working with Mr. Clyde Horton and Agent Carter. These are the amended returns which the IRS Promised us in 2009 or 2010 would be processed and adjustments would be made.

2) We request the quashing of the request to go throught our personal and Business banking accounts. Personal and Business Banking information are personal and show many private purchases. Why should the IRS violate our right to privacy even though we have given them our amended Tax returns for for 2007, 2008 and 2009 and have given them our tax returns for 2010, 2011 and 2012. Why doesn't the Irs pay us to produce a personal and business audited financial statement by a CPA.

3) We request \$5,000,000 in damages from the IRS. As you review the actions of the IRS you would find that the IRS has acted in a very mean spirited and unprofessional manner. The Actions of the IRS has taken away from our ability to focus on our wonderful battle with the above mentioned defendants. 1) the Irs promised us they would process our returns in 2009 or 2010 and have not done so. 2) the Irs placed a lien against us even though they promised that no liens would be placed against us. 3) the Irs has still not processed our amended returns and have not adjusted the returns. 4) According to Ms. Sigliano, the Tax Advocacy department even thought they are aware we have lost all of our licenses, and have lost our business contracts with various life and annuity companies have still not contacted the IRS to resolve this situtation. The actions of the IRS is Unconstitutional, Mean Spirited, and amount to gross harrassment. We are Christian Ministers and rely on the Lord Jesus, He is the only one who can grant us victory.

Certification of Service

I, Clyde Fraser certify under penalty of Perjury that a copy of our Petition to Quash was mailed on 5/24/2013 to:

Internal Revenue Service

Group 22

1719 Route 10 East

Parsippany, NJ 07054

973-829-7475

Sincerely,

A handwritten signature in black ink, appearing to read "Clyde Fraser", with a stylized flourish at the end.

Clyde Fraser

A handwritten signature in black ink, appearing to read "Toye Fraser", written in a cursive style.

Toye Fraser